

Entered - 11/17/01 - sb  
CL01L0752 - DIANNE C. MITCHELL

CLAIM OF: **ESTHER WOLTZ,**  
through her attorney,  
**Gary Leshaw**  
**755 Commerce Drive**  
**Suite 800**  
**Decatur, Georgia 30030-2627**

**03-R-0006**

For damages alleged to have been sustained as a result of breach of contract for the rehabilitation of property located at 732 Brookline Street on May 9, 2001.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**

**CERTIFIED**  
JAN 2 1 2003  
**D**

RECORDED JAN 2 1 2003

[Signature]  
**DEPUTY MUNICIPAL CLERK**

## ADVERSE REPORT

COMM: Public Safety

DATE: 1-14-03

CHAIR: [Signature]

[Signature]  
[Signature]  
C. J. Martin  
[Signature]  
Gary Newwood  
[Signature]



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

January 31, 2003

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Gary Leshaw  
Attorney at Law  
755 Commerce Drive  
Suite 800  
Decatur, GA 30030-2627

03-R-0006

RE: Esther Woltz

Dear Attorney Leshaw:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 21, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0752

Date: December 5, 2002

Claimant /Victim ESTHER WOLTZ  
BY: (Atty) Gary Leshaw  
Address: 775 Commerce Drive, Suite 800, Decatur, Georgia 30030-2627  
Subrogation: Claim for Property damage \$ 31,543.00 Bodily Injury \$             
Date of Notice: 11/15/01 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/09/01 Place: 732 Brookline Street  
Department Planning Division:             
Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that the City breach its contract with her for the rehabilitation of her property. However, the claimant has failed to furnish information necessary to substantiate her claim.

INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report            Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other            Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01            2P01             
Claims Manager:            Concur/date 120502  
Committee Action:            Council Action

RCS# 4404  
1/21/03  
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1                      Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

<b>1/21/03 FULL COUNCIL MEETING</b>	
<b>Items Adopted on the Consent Agenda</b>	<b>Items Adversed on the Consent Agenda</b>
1. 02-O-2129	24. 03-R-0003
2. 03-O-0040	25. 03-R-0004
3. 02-O-2132	26. 03-R-0005
4. 02-O-2133	27. 03-R-0006
5. 02-O-2128	28. 03-R-0007
6. 03-O-0047	29. 03-R-0008
7. 03-R-0029	30. 03-R-0009
8. 03-R-0030	31. 03-R-0010
9. 03-R-0025	32. 03-R-0011
10. 03-R-0032	33. 03-R-0012
11. 03-R-0036	34. 03-R-0015
12. 03-R-0058	35. 03-R-0016
13. 03-R-0059	36. 03-R-0017
14. 02-R-1137	37. 03-R-0018
15. 02-R-1628	38. 03-R-0019
16. 02-R-1874	39. 03-R-0021
17. 03-R-0031	40. 03-R-0022
18. 03-R-0046	41. 03-R-0023
19. 02-R-2056	42. 03-R-0024
20. 03-R-0001	
21. 03-R-0002	
22. 03-R-0013	
23. 03-R-0014	

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Consent I Vote: 11 Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376 for Initial Vote & RCS #4403 for vote to Reconsider)  
 Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050